

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

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EX PARTE OR LATE FILED

September 28, 2004

Via Courier

RECEIVED

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

SEP 28 2004

Federal Communications Commission
Office of Secretary

**Re: EX PARTE SUBMISSION
WT Docket 03-66; Amendment of Parts 1, 21, 73, 74, and 101 of the
Commission's Rules to Facilitate the Provision of Fixed and Mobile
Broadband Access, Educational and Other Advanced Services in the
2150-2162 and 2500-2690 GHz Bands**

Dear Ms. Dortch:

On September 27, 2004, John Hearne, Nicholas Mastroilli, and Henry Zachs, each of NY3G Partnership ("NY3G"), Darryl DeLawder of DeLawder Communications, Inc., an engineering consulting firm, and Bradley Holmes, a consultant, met with Commissioner Kevin Martin and Sam Feder regarding the above-referenced proceeding.

NY3G talked about its current efforts to provide wireless broadband service to the New York City area. The parties discussed the proposals in the Commission's *Further Notice of Proposed Rulemaking*, and NY3G's ongoing negotiations with Trans Video Communications, Inc., the grandfathered ITFS licensee in New York City. NY3G indicated its support for the proposal to designate MMDS licensees as primary in the E and F group channels. The parties also discussed the proposals that NY3G had previously raised in this proceeding, including the assignment of low-power channels to MMDS licensees and high-power channels to grandfathered ITFS licensees.

Attached is a copy of the diagram distributed at the meeting.

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Please direct any questions regarding this matter to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tony Lin', with a long horizontal flourish extending to the right.

Tony Lin
Counsel for NY3G Partnership

Attachment

cc: *(without attachment)*
Commissioner Kevin Martin
Sam Feder

